

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 204 OF 1995

For Approval & Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether reporters of local papers may be allowed to see the judgment ?
 2. To be referred to the reporters or not ?
 3. Whether their lordships wish to see the fair copy of the judgment ?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
 5. Whether it is to be circulated to the Civil Judge?

MRS MASABEN UMARBHAI BALIM
VERSUS
THE STATE OF GUJARAT & ORS.

Appearance:

MR JJ YAGNIK for Petitioner
MR VB GHARANIA for Respondents

Coram: MR.JUSTICE S.K. Keshote,J
Date of decision:15/08/1999

C.A.V. JUDGMENT

#. The petitioner, since deceased, was appointed as

`Aya' on temporary basis on 3.1.67 at M.H.C. centre, Lakhtar, District: Surendranagar. So it is an appointment in the Lakhtar Gram Panchayat, Lakhtar. The management of M.H.C. centre and general hospital centre where the petitioner was working, was taken by the State Government. While taking the employees of the centre aforesaid, it is made clear that they will get fresh appointments with condition that their past services shall not be taken into consideration for the purpose of seniority, pension, leave, etc. This has been done under the Government Resolution dated 15th July 1989 and the petitioner accepted the terms and conditions. At no point of time, she challenged the same and only when she attained the age of superannuation, she has filed this writ petition for pension and other retirementary benefits.

#. If we go by her services with respondent No.1, it is too short of qualifying services for the pension. In view of this fact, and the conditions under which the petitioner was taken in service by respondent No.1, the claim made in the Special Civil Application by the petitioner, since deceased, is wholly untenable.

#. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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[sunil]